THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 14797 of 1996

13.2.2006

Between:

The Senior Manager, APSRTC, Khammam Region, Khammam.

…Petitioner

And

The Deputy Transport Commissioner, Warangal & Another.

….Respondents.

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 14797 of 1996

ORDER : (Per the Hon'ble Sri Justice Bilal Nazki)

Heard learned counsel for the parties.

The impugned order is challenged on the ground that the allegation against petitioners was that they had an ordinary stage carriage permit, but the vehicle in question was being used as express stage carriage, therefore, they were liable to pay the difference of tax.

It is contended at the Bar that the controversy is covered by a Larger Bench Judgment of this Court in **L.Royal Reddy v. Government of A.P.**, where it has been held that tax cannot be levied at an enhanced rate. But in case of violation of permit, the respondents can take action for violation of conditions of permit.

Following the same judgment, we allow this writ petition, quash the order dated 20.5.1995, give liberty to the respondents to proceed against the petitioners in case they find that conditions of permit have been violated.

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(BILAL NAZKI, J)

13th February 2006

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(G.CHANDRAIAH, J)

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